

REVIEW AND FINDINGS PROCEDURES OF THE NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION REVIEW COMMITTEE

I. **Authority.** The Native American Graves Protection and Repatriation Act (NAGPRA) (25 U.S.C. 3006(c)) assigns the following responsibilities to the Native American Graves Protection and Repatriation Review Committee (Review Committee) –

- A. Upon the request of any affected party, of reviewing and making findings related to:
 - 1. the identity or cultural affiliation of Native American human remains and other cultural items, or
 - 2. the return of human remains and other cultural items.
- B. Facilitating the resolution of disputes among Indian tribes, Native Hawaiian organizations, or lineal descendants and Federal agencies or museums relating to the return of human remains and other cultural items, including convening the parties to the dispute if deemed desirable.

The Review and Findings Procedures address only paragraph I.A. above.

II. Definitions.

- A. For the purpose of these procedures, NAGPRA definitions apply (see 25 U.S.C. 3001 and 43 CFR 10.2).
- B. Affected party. An affected party is an Indian tribe, Native Hawaiian organization, lineal descendant, Federal agency, or museum. The affected party(ies) may be represented by an individual or organization specifically authorized by the affected party(ies) for the purposes of a request to the Review Committee.

III. **Potential Requests for Review and Findings:** Distinct from the Review Committee's role in disputes per I.B. above, affected party(ies) may request that the Review Committee review and make findings regarding I.A.I. and 2. above.

IV. Review and Findings Procedures.

- A. Requesting the Review Committee's review. Written requests for Review Committee review shall be directed to the Review Committee's Designated Federal Officer (DFO) (Manager, National NAGPRA program, National Park Service, 1849 C Street NW (2253), Washington, DC 20240-0001).
 - 1. The written request should include the following documentation:
 - a. statement outlining facts relevant to the request, including citations of applicable portions of NAGPRA and NAGPRA regulations;
 - b. statement of the affected party's (ies') interpretation of the facts;
 - c. proposed resolution.
 - 2. The DFO will reply to the affected party(ies), acknowledging receipt of the request for review. The acknowledgment letter may include requests for clarification or additional information.
- B. Scheduling the Review Committee's review. Reviews will be scheduled at regular Review Committee meetings. The affected party(ies) will be

notified when their requested review is scheduled.

- i. The DFO will publish a notice in the Federal Register of the time and place of the meeting at which the review request will be considered.

C. Presentation. The affected party(ies) may make presentations in person, in writing, or both.

D. Findings.

1. Following review, the Review Committee will make findings regarding the matter(s) presented to the Review Committee.
2. The DFO will publish the Review Committee's findings in the Federal Register over the chair's signature, and will send a copy of the published Federal Register notice to the affected party(ies).

V. **Conflict of Interest.** Situations may arise in which individual Review Committee member or the DFO have or may appear to have a conflict of interest regarding a particular review. In such circumstances, the members or DFO will recuse themselves from the Review Committee's review.

- A. In the event and for the time that the DFO must recuse him/herself as DFO during a review, the DFO will delegate his/her responsibilities to another Federal employee who does not and would not appear to have a conflict of interest.

VI. **Public Access to this Document.** This document will be posted on the National NAGPRA Website.

APPROVED: /s/ Armand Minthorn,
Chair, Native American Graves Protection
and Repatriation Review Committee
May 10, 2003